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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	NO. 3:23-cr-00475-WHO
)	
Plaintiff,)	UNITED STATES SENTENCING
)	MEMORANDUM
v.)	
)	Date: May 1, 2025
MARTIN SANTOS CERDA,)	Time: 1:30 p.m.
)	Court: Hon. William H. Orrick
Defendant.)	

INTRODUCTION AND SUMMARY

This sentencing memorandum addresses Martin Cerda's criminal conduct in this case, his criminal history and the persistent danger to the community he presented over the last 16 years, and the profound changes and progress he has made since his arrest in this case. The PSR makes clear, once Mr. Cerda made the decision to become clean and sober, he was determined to become a different person; a good father, a caring partner and a working person who could contribute to the community. He has been a role model for others in CAP. When asked what's different from his past, he said that his priorities now are for his family, his future, his health, to be there with his kids, to continue to stay sober and to continue telling himself "You gotta do this." With that background, the United States addresses the sentencing factors in this case.

Case Overview

The PSR details the history of this case. See, PSR at ¶¶ 1-6. On December 13, 2023, a one-count Indictment was filed in the Northern District of California, charging the defendant, Martin Cerda, with a violation of 18 U.S.C. § 922(g)(1) – Felon in Possession of a Firearm and Ammunition (Count One); and Forfeiture Allegation, pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c). According to the PSR, Mr. Cerda seemed to take “accountability” after a rough start at New Bridge in January 2024. PSR at ¶ 5. On March 14, 2024, the defendant successfully completed treatment at New Bridge Foundation and transitioned to a Sober Living Environment. On April 23, 2024, the defendant pled guilty to Count One of the Indictment. On April 23, 2024, the defendant was referred to the Court’s Conviction Alternatives Program (CAP) and he was successfully accepted into the program on May 2, 2024.

Mr. Cerda has been compliant throughout CAP. He participated in the professional mentorship program through ACURIAE and is currently participating in weekly drug testing, courage to change and self-help group meetings. He has not had any positive drug tests for illicit drug use. He is scheduled to complete the program on April 28, 2025. PSR at ¶ 6.

Offense Conduct

On November 1, 2023, police officers were investigating an auto burglary in San Francisco. Officers located the vehicle and identified Martin Cerda as the driver of the vehicle. Officers maintained surveillance on Mr. Cerda. Subsequently, he was observed entering a building on the 2000 block of Mission Street. Officers detained Mr. Cerda and located a firearm holster tucked between Mr. Cerda’s pants and body in his front waistband. Specifically, officers located a loaded USA Ben Vincenzo Bernadelli, model 1911 carry B45, .45 caliber semi-automatic pistol, bearing serial number T0620-22AP08225. The firearm was loaded with eight rounds of .45 caliber ammunition and records indicated the firearm was stolen.

Criminal History

Mr. Cerda, now 36 years old has an extensive criminal past, beginning with his first arrest at age 19 in 2008. PSR at ¶ 26. He had 3 additional convictions in 2010 for burglary related misconduct and obstruction: In 2012 and early 2013, he had two additional convictions. None of these convictions count in his criminal history score because they are too old. PSR at 27-32.

Starting in August 2013, and continuing until his arrest in this case, Mr. Cerda was convicted and sentenced, 8 times for new offenses and had several instances of his probation being revoked. These include another conviction in 2013 for possession for sale of methamphetamine. PSR at ¶ 32; another vehicle theft conviction in 2014, PSR at ¶ 33; second degree burglary conviction in 2016 PSR at ¶ 34; another vehicle theft in 2017 and again in 2018, PSR at ¶ 35-36. He was convicted of Grand Theft in 2019, PSR at ¶ 37; and another vehicle theft in 2019 PSR at ¶ 38. Prior to the instant case, he was also convicted for another illegal drug possession case in 2022, PSR at ¶ 39.

All told he collected 17 criminal history points and is at the highest Criminal History Category, Level VI. PSR at ¶ 40. Over those years, Mr. Cerda had a number of opportunities through Court Probation or other Community Court programs to turn his life around, but as his criminal history demonstrates, none worked.

Sentencing Guidelines

The United States agrees with the Sentencing Guidelines calculated by Probation: Adjusted Offense level 13, CH VI, with a presumptive sentencing range of 33- 41 months.

18 U.S.C. § 3553(a) Sentencing Factors

There are several §3553(a) sentencing factors included in the PSR at ¶¶ 54-63. Some of the details include his parents separating when he was young, his mother's drug addiction and her living homeless on the streets while he was raised by his grandparents, his grandmother's death when he was 13 (he described her as his rock), getting jumped into a gang and several other "growing up" traumas. He had significant drug and alcohol abuse beginning when he was 12 years old.

Now that he is sober, he is employed and starting a new job later this month. He has 6 children and is working to rebuild his relationships with the older ones and especially with his 8-year-old son. His partner had a very difficult pregnancy and is still trying to recover from complications. She has provided Probation with a very positive report about their progress together as a family and for the efforts being made by Mr. Cerda since he became clean and sober. PSR at ¶ 63.

In CAP, he is focused and committed to being a good father to his children and cares deeply for his life partner. He is excited about his new job and is a positive role model for others in the Program. Mr. Cerda is proving to himself, his family and to the Court, that taking a chance on him and giving him

1 the opportunity to become clean and sober and to look at himself and change his behavior was worth it.
2 Every day, he is showing us all that he is sincere in doing the right thing for himself, his family and our
3 community.

4 **CONCLUSION**

5 The United States agrees with the Sentencing recommendation and the assessment noted on Page
6 2 of the Final PSR Sentencing Recommendation: “Mr. Cerda’s progress over the last year has
7 demonstrated an extraordinary post-rehabilitation effort and any period of incarceration would be a
8 tremendous setback for the defendant.”

9 We join in Probation’s recommended sentence of time served followed by a term of supervised
10 release of three years, a \$100 special assessment, the forfeiture of the gun and ammunition and all the
11 standard and special and conditions of supervised release to include drug testing, and a suspicionless
12 search condition and those other conditions recommended by Probation.

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14 DATED: April 21, 2025

Respectfully Submitted,

15 PATRICK D. ROBBINS
16 Acting United States Attorney

17 /s/
18 JEFFREY BORNSTEIN
19 Assistant United States Attorney
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